



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

SEP 19 2017

OFFICE OF
GENERAL COUNSEL

Ms. Catherine Rahm
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011

RE: Freedom of Information Act Requests EPA-HQ-2017-005963 and
EPA-HQ-2017-004720

Dear Ms. Rahm:

This letter is the U.S. Environmental Protection Agency's (EPA) final response to the above-referenced Freedom of Information Act (FOIA) requests, which were dated March 8, and April 10, 2017 respectively. The Office of General Counsel has concluded its search for records responsive to these requests.

The March 8, 2017 FOIA request is a multi-part request. We understood items 1 and 2 of that request to seek records indicating that the Administrator had a role in "discussing or developing" the two legal pleadings named in your request. EPA found no records indicating that the Administrator had a role in "discussing or developing" the two pleadings and thus found no records responsive to these parts of your request. As to items 3 and 4 of your request, the Administrator did not seek a waiver from EPA's ethics officer to participate in discussions or development of the pleadings named in your request and, as such, there are no responsive records. Item 5 seeks records indicating the steps EPA took to shield the Administrator from involvement in the discussion or development of the two pleadings referenced in your request. As to item 5, on June 28, 2017, EPA, through Assistant U.S. Attorney Dominika Tarczynska, provided you with a copy of the May 4, 2017 memorandum concerning Administrator Pruitt's ethics obligations. There are no other responsive documents to item 5 of the request.

The April 10, 2017 FOIA request seeks, among other things, records indicating EPA Administrator Scott Pruitt's "participation in, or recusal from, any litigation" in which both EPA and the State of Oklahoma are parties. As to this request, EPA is releasing 189 pages, both in full and in part. EPA is also withholding 17 records (38 pages) in full. The withheld-in-full records are identified in the enclosed index. EPA withheld this information under FOIA Exemption 5's deliberative process, attorney-client, and attorney work product privileges. 5 U.S.C. § 552(b)(5). As noted above, EPA already provided you with a copy of the May 4, 2017 memorandum concerning Administrator Pruitt's ethics obligations, which is likewise responsive to this request.

If you have any further questions regarding this production, please contact Assistant U.S. Attorney Dominika Tarczynska. Thank you for your patience as we respond to your FOIA requests.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justina Fugh".

Justina Fugh
Senior Counsel for Ethics

Enc.